

UTILITIES DIVISION[199]

Notice of Termination

Pursuant to the authority of Iowa Code section 17A.4(1)“b,” the Utilities Board (Board) gives notice that on November 12, 2009, the Board issued an order in Docket No. RMU-2009-0002, In re: Notification Requirements for Certificated Local Exchange Companies [199 IAC 22.2(9)], “Order Terminating Rule Making.” On March 12, 2009, the Board issued an order commencing a rule making to establish service outage notification requirements for certificated local exchange companies. The proposed new subrule with the notification requirements was published in IAB Vol. XXXI, No. 21 (4/8/09), p. 2253, as **ARC 7674B**.

The proposed new subrule was designed to address problems the Board experienced with the current outage notification requirements that were adopted in 2008. The Board established the current requirements in order to receive the earliest possible notice of significant telecommunications service outages that affected Iowa citizens. Early notice allows the Board to assist with notifying and coordinating other government agencies and emergency responders to try to minimize the adverse effects on the public of an emergency. The outage notification standards established in the current rules, which mirror those of the Federal Communications Commission (FCC), have not provided the timely notice the Board requires.

Comments addressing the new proposed subrule were filed by the Iowa Telecommunication Association (ITA), the Consumer Advocate Division of the Department of Justice (Consumer Advocate), Qwest Corporation (Qwest), and MCImetro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services (Verizon).

On May 6, 2009, the Board had published an Amended Notice of Intended Action rescheduling the oral presentation from May 11, 2009, to May 20, 2009; that Notice was published in IAB Vol. XXXI, No. 23 (5/6/09), p. 2438, as **ARC 7739B**. On May 20, 2009, the Board held the oral presentation as scheduled. On May 29, 2009, the Board issued an order scheduling a workshop to allow participants to discuss the various issues raised concerning the proposed subrule that required notification of outages by certificated local exchange companies. The workshop was held on August 6, 2009. On September 10, 2009, the Board issued an order allowing additional comments. Consumer Advocate, Qwest, and Verizon filed additional comments.

After considering the oral and written comments and the information obtained at the workshop, the Board determined that the proposed rule making should be terminated to allow for a complete review of the Board’s overall outage notification process. A review is especially necessary for telecommunications providers because of the deregulation of many areas of telecommunications service and the current lack of jurisdiction over wireless carriers. Whether the Board initiates another rule making with outage notification requirements will depend on the outcome of this internal review.

Pursuant to the authority of Iowa Code section 17A.4(1)“b,” the Board hereby terminates the rule making initiated in **ARC 7674B**.